

- 5 -

REMARKS

Claims 1-9 are pending in the application. Claims 1-5 and 9 stand rejected. Claims 6-8 stand objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

MPEP 713.01 states, "An examiner's suggestion of allowable subject matter may justify indicating the possibility of an interview to accelerate early agreement on allowable claims." Consequently, the Applicant requests a telephonic interview to clarify issues relating to the cited art of Meron and Caspi, as well as reach a mutual understanding regarding the claimed invention with the purpose of expeditiously advancing prosecution of the application. There is nothing stated in the MPEP that would prohibit the request for a telephone interview, given that the request is properly submitted after a first office action by the attorney of record.

The 102 Rejections

Claims 1,3,4, and 5 are rejected under 35 USC 102(b) as being anticipated by Meron et al. (US Patent 6,950,690).

Regarding Claim 1, the Applicants claim digital image processing techniques that are useful for automatically finding specific features associated with in vivo images that enable more efficient diagnosis of ailments in a GI tract. See, for example, Applicant's specification at page 9, line 12 through page 10, line 5, wherein the color of an ailment is identified as a feature. In contrast, Meron discloses a method for locating the position of the capsule for use in directing medication to the desired part of the body. Meron does not disclose algorithmic image processing of the captured images according to predetermined features commonly associated with the images themselves.

The 103 Rejections

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meron et al. (US Patent 6,950,690) and Caspi (US Patent 6,909,794).

Regarding Claims 2 and 9, the above argument with respect to Meron still apply. Furthermore, Caspi discloses image registration as "a processing of alignment for facilitating comparisons and medical diagnosis" in Col. 2, line 38.

- 6 -

Therefore, Caspi is concerned with overlaying and aligning like images, and is not teaching automatic finding of features associated with images (using an algorithm) for the purpose of aiding efficient diagnosis of a diseased area. Caspi is more interested in improving accuracy and resolution of the images as registered by his process, which includes fusion and aligning of images. Thus, Caspi is not solving the same problem as the Applicants.

Applicants use the term, "alignment" in Claim 9 to indicate a one-to-one correlation of like images rather than an overlaying or fusion of images as described by Caspi. For the reasons cited above, it is believed that claims 2 and 9 are unobvious in light of the combination Meron in view of Caspi.

Applicants have reviewed the cited art made of record, and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable. It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

Stephen H. Shaw.
Attorney for Applicant(s)
Registration No. 45,404

SHS/set

Tele: (585) 477-7419

FAX: (585) 477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company's Patent Operations at (585) 477-4656.